

SECRETMINUTES OF IAC MEETING - 15 AUGUST 1949

DIRECTOR: We are having a special meeting to see if we can work out one of the three proposals on Avoidance of Publicity. I would like to say here we will go along with the majority. I will ask Tommy to start because he has a dissent and FBI has a dissent.

ADM. INGLIS: I feel that something more has got to be put in writing than the draft which CIA originally circulated. In effect, it merely says that all of the agencies which are represented on the IAC should carry out the regulations. I don't see that that contributes a great deal to our solution of the problem. The difference between that draft and ours is, first, we think it should be made applicable to all government departments and agencies and not just those represented by the IAC. The second difference is that we feel, in order to give this any real force and effect, it should have the third proviso which we have included, stating as a national policy that intelligence is not considered to be a suitable subject for publicity and to try to persuade the media of publicity not to publish anything about intelligence. As far as I know all the heads of intelligence agencies subscribe to that thought. I think I have heard each and every one say one time or another that it would be agreeable if there were no publicity. I assume that it has not only been an official stand, but a personal conviction. If it isn't I would like to be so informed later on. Another point that has been raised is whether or not the absence of publicity would permit the intelligence agencies to get the funds from Congress which they feel are necessary for their operations. My view on that is that the place to give our requirements for funds is in an executive session of the Appropriations Committee, which is handling the particular appropriation, and not in the newspapers, radio or moving pictures. I do not feel that publicity for that is either necessary or desirable. Now the third objection raised to that is that it would be criticized by the newspapers as being an intrusion on the constitutional rights of free speech and free press. I have

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Constitution says that newspapers and publishers can publish what they please. I understand that and it wasn't intended in the third paragraph that that right be infringed upon as a legal right, only that we could do what we could to persuade the media of publicity not to give intelligence any publicity, because in the view of the national government it is contrary to the national interest. As far as the ideology is concerned, I am just as strongly proponent of the American way of life and the freedoms guaranteed by the Constitution as anyone else, but I believe that there is a limit to the publicity that is in the interest of national security, and that stops with intelligence. We have any number of classified documents, including top secret, that are not given to the press and the press understands that, and except when there is some slip or deliberate leak, it doesn't reach the press. Therefore, I don't see that this is establishing any new precedent. We are asking the press to go easy on certain categories of information concerning intelligence. The British do the same thing that I am proposing. I don't suppose there is one person in a million that knows the name of the Head of the British Secret Service. You practically never see any mention of it in the British papers or in our papers and I don't see why the same thing isn't as applicable here. Our ideas of free speech and free press stem from the British and we have a lot of the same thoughts on that subject. I don't see why there is any objection to a statement to that effect, that in the interest of national policy it is recommended by this Board to the National Security Council, by the National Security Council to the President, approved by the President and disseminated under any classification that may be appropriate to the various agencies of the Government. There has been a great deal of argument over the form they should take. I don't care what form - I am agreeable to any form the Committee feels is proper to get the idea across. As a matter of national policy, publicity about intelligence is not considered proper and should be played down as much as practicable.

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DIRECTOR: Now FBI has another dissent. [redacted] will you give your viewpoints on it?

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Reference is made to the fact that the British use this system. I think that is based on the British Officials Act, which is a little different than a directive or recommendation from administrative branches of the government. In our opinion, such a directive would have no force and effect whatsoever. We can see no need for it. We handle it within our own agency as far as our own people are concerned. A directive is not going to alter that very much. It will have no affect whatever on persons who have left the services. There is no way for it to be enforced against anyone, no matter how strongly it is worded in the ONI draft or in the original draft. In the ONI draft, it suggests, as the Admiral stated, that we could approach the radios and newspapers. That is true, but I think we all know what happened when the military recently was going to establish the procedure of having approval of press interviews in the Pentagon. There would be more of a hullaboo about this than there was about that. Some of the newspapers would take it all right, that is true, but you still have enough renegade newspaper columnists and radio commentators to make a tremendous argument about peacetime censorship, and this is initiated by the Executive and not by Congress. So for that reason, the FBI is opposed to any initiation, as this directive, at this level at all.

ADM. INGLIS: I have a surrebuttal to make.

DIRECTOR: I would like to get the third alternative before we hear the surrebuttal. It is ordered in NSC 50 that we should do this and it calls for an NSCID and nothing else. Last year this same thing came up and there was a lot of argument in the Security Council. As far as I know they made a recommendation to the President to make a directive on that, but it never came out and it probably stayed in the President's desk. Maybe he felt it bad policy or something.

Has anyone else anything before we hear the rebuttals and surrebuttals?

GEN. IRWIN: My only comment is that we believe that any directive should be applicable to all government agencies, because a good many

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of them are recipients of our material and this is limited to the IAC agencies. We would like to have an NSC directive that would apply to all.

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██████████ What force would such a directive have in a non-member agency?

DIRECTOR: None. It would take an Executive Order.

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██████████ This would not be an Executive Order. It would have no effect on the people in the Department of Agriculture. It is only telling them what our views are and it could not be enforced whatever any individual over there did.

GEN. CABELL: It could bring no pressure, or no action of any sort?

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██████████ No. It would have no effect. It is issued by the National Security Council to its members. The National Security Council has no legal jurisdiction over the Department of Agriculture. The proposal could be enforced only over its members.

GEN. CABELL: Let's leave out the legal part. Wouldn't it be a means of bringing pressure if it were issued over the signature of the President, who is a member of the NSC? Would it not have an effect upon the Department of Agriculture?

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██████████ No more so than if the Department of Agriculture or one of its employees released some information of an intelligence nature that came from the Army, and the Secretary of Defense went to the Secretary of Agriculture and made a protest. That is the extent of the effect it would have.

ADM. INGLIS: I don't agree with that.

GEN. CABELL: I think I could accept the fact it had no legal effect, but wouldn't it provide a better basis for complete understanding in the first place, and be governmental-wide instead of IAC-wide and also in the event of breeches we could not bring legal action, but it would certainly assist in bringing pressures to bear against the offender.

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[REDACTED] Not in my opinion. The Admiral disagrees, and maybe I am wrong, but in my opinion it would have no effect whatsoever. An Executive Order issued by the President, yes.

MR. ARMSTRONG: The effect of moral persuasion might bring to bear by informing them that the NSC had taken this action in respect to the member agencies, but by including them in the language would it have any more effect on them? It would affect only the intelligence divisions that were under this NSC ruling.

DIRECTOR: I think that is right. It would have no effect other than on the people on the NSC.

ADM. INGLIS: If my information, or understanding, is correct, there are a number of NSC's that are recommended by the NSC to the President, and he approves them. When he does approve them that becomes a statement of the President's desires and he states in his endorsement approving the recommendation that he desires all agencies and departments of the government as well as those represented in the NSC to carry out those recommendations. It is something of that kind that I have in mind. As far as the legality is concerned, it is just moral persuasion and not the letter of the law. It is merely an expression of the President's policy.

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[REDACTED] Actually don't the recommendations of the NSC go to the President as a recommendation of the NSC and is merely approved by the President, and so the President, in effect, is not issuing the order, but is approving a recommendation?

ADM. INGLIS: He often adds the sentence "for all agencies of the government concerned." I say that I am not particular about the form it takes. The Security Council said in NSC 50 that all publicity referring to intelligence is undesirable. It seems to me that is the guidance which we have. It stems from the Dulles-Jackson-Correa report and is supported by inference by the Hoover Report, but does not make it specific. I think the statement "all publicity is undesirable" is more important than what form this takes.

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MR. ARMSTRONG: I would favor the NSCID as most recently drafted by CIA, limiting it to the member departments and agencies and omitting the Navy's third paragraph, because I feel, and the people in the Department feel, that it very well could stir up a hornet's nest and more than defeat what we could achieve with a more limited field. Before we were through we would probably have a rash of defiance from the renegade section of the press. I think the same end can be obtained without putting it in an official document of the government. The same educational effort can be made with the publishers over a period of time, as would be required by the third paragraph of the Navy's proposal. I think what the intelligence group has got to do over a longer period of time is gradually educate the publishers to a voluntary withholding of publications until it is cleared with the affected agency of the government. I don't know what legal situation England has. As

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[redacted] suggests, it depends upon the Officials Secret Act. I think there the sophistication of the publishing world has been achieved gradually over a long period of time.

DIRECTOR: Wee?

GEN. TODD: No comment.

DR. COLBY: I have nothing to add, but I agree with Mr. Armstrong's statement. It seems to me in reading over the dissent there is a little chance that we would be unwilling to go so far as to make it apply to all government agencies. There is some possibility of getting a reaction from the press. I had an experience recently with a newspaper that I have never valued very highly and they did respond and refrained for six months from publishing something they knew all about. They were persuaded that it was against the interest of the national security. With this overall thing they wouldn't refrain from it at all.

GEN. IRWIN: I will say that I do believe anything that smells of censorship would be violently objected to as proven the other day

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on that form dug up in the Pentagon for a meeting of correspondents and individuals. I think it is hopeless. I agree with [redacted] on that. If we can't extend it further than the IAC Members, I am willing to make it within the IAC.

DIRECTOR: Let's try and get a vote on that.

ADM. INGLIS: I would still like to give my surrebuttal. In the first place I have no quarrel with the State Department Member's statement. He expressed my own views on that, but this procedure that we have in mind is exactly what he has suggested, himself, that we embark on a campaign to educate these people that publicity of intelligence is not to the best interests of the country. It will take time, and it will take cooperation, but in order to get that started it seems to me something rather authoratative has to be committed to writing. Again, I don't care about the form. It needn't be a part of a directive or a piece of paper that is released to the press, but something or other. My view is that it should be promulgated to the various departments and agencies of the government in order to get the educational program for that under way. Now, to reply to [redacted] comments. I would say, first of all, what I have in mind is not the kind of order that caused all the trouble in the Pentagon, but a method of procedure of indoctrination. To reply to your second comment that it is ludicrous and futile, I can't agree with that and, I think, as Dr. Colby cited it, that he did get cooperation. I cite another example - the Zacharias broadcast, where I have good reason to believe, if the responsible agency of the government had communicated with the broadcasting company promptly that this was about to come to pass, and said please don't put that on the air because we think publicity of that kind is not to the best interests of the country, they would have had nothing to do with it. It wasn't done. It was not a national policy and it got started and by the time the people became aware of the damage that was being done the precedent had been established and it was too late. It is something that can be presented to our superiors and people in public relations as a

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statement of national policy, requesting the cooperation of all hands. That is what I have in mind and I really need something like that in carrying out my mission. I am not an expert on how to handle these matters, but I think we have pretty good people who are and if it is promoted in the right way, presented to the press and other media, they won't take offense and we will get their cooperation. As you say, there will be a certain fringe of bad boys who will not comply, but the majority will accept it as a national policy and will cooperate. I think that part of the publishing fraternity will gradually put the heat on the bad boys and they will eventually all come around to it.

DIRECTOR: Let's take a vote here. Maybe we can work out the three things - the CIA draft, a proposed three paragraphs; the FBI's proposal, the same with only the first paragraph; and the Navy's proposal.

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[REDACTED] The FBI proposal, paragraph one.

DR. COLBY: Paragraph one.

GEN. TODD: With respect to your draft, Admiral, if in paragraph 2, fourth line, the words were added after "with appropriate authorities" "within such department and agency." Clarify that and we will accept your draft as amended. There is some doubt in my mind who would be the appropriate authority.

MR. ARMSTRONG: I accept that as amended.

ADM. INGLIS: The Navy one. I would say in the case of the Navy draft that I would be entirely agreeable to revision of the form of that in any way that is wanted so as to accomplish the desired purpose. I don't hold out for the form, but I do for the substance.

GEN. CABELL: I can accept General Todd's amendment and vote for your draft as amended by that.

GEN. IRWIN: I will take your draft as amended.

DIRECTOR: All right, we will take ours five to two to one. I would compromise and would be willing to take the FBI's and attempt to get Tommy's in in an additional paragraph and submit it to the

Security Council and say "if the Security Council thinks it appropriate

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and agencies as an expression of their desires. Whether they would do that or not I don't know. It might be a way of covering everybody.

GEN. CABELL: We would have everything to gain and nothing to lose by that.

MR. ARMSTRONG: I wouldn't object to that and leave it up to the Executive Secretary whether it was within the Council's policy or not.

GEN. IRWIN: I am willing to go along with that.

MR. ARMSTRONG: Have that as a covering recommendation in respect to this NSCID, or include it.

DIRECTOR: Include it on the same page with the NSCID, as an additional recommendation. "If the Security Council deems it appropriate," or words to that effect, "be issued to other departments and agencies as an expression of favorite policy," or, "the policy of the Security Council."

MR. ARMSTRONG: Leaving it up to the Council to make the decision?

DIRECTOR: I think we would have to do that because the stand here applies only to the NSC agencies. Otherwise it would take an Executive Order. They may recommend to the President that he show this. I think something should be put in; whether it should be a recommendation, I don't know. Whether they will accept it or not is unpredictable.

ADM. INGLIS: I think too much weight is being placed on whether it is acceptable here or there. I think it is the duty of the people responsible for intelligence security to recommend what they think is right and proper to protect the classified nature of their work, then if they are overruled that is someone else's decision. I would agree with your suggestion if we can have a few minutes to think over the precise wording of that paragraph.

DIRECTOR: How about your trying to draw one up?

MR. ARMSTRONG: Are you proposing to delete paragraphs two and three as now written?

DIRECTOR: And put in another one. Let two and three remain. I would go along with that and we could still add the recommendation.

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GEN. CABELL: I wonder if [redacted] would tell us the reason for cutting out two and three, because it just seems to be spelling out what is in paragraph one. So if I could accept paragraph one, I could accept two and three.

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[redacted] Directly a man violates the law we will recommend to the Attorney General that he be prosecuted and I think it makes us look kind of foolish when we say "if he violates the law he is going to be prosecuted." A directive is not going to alter it one way or another. I think in Zacharias' case, if he violates the law it would probably be referred to us hurriedly.

ADM. INGLIS: He hasn't broken the law.

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[redacted] And all it says is "if a man violates the law he will be prosecuted." I think it makes us look kind of silly to formally make such a recommendation in a National Security Council Intelligence Directive. I think paragraphs two and three are serving no purpose at all. It is just a lot of words. Paragraph one is what you want. Paragraph one gives you the statement of policy.

GEN. CABELL: Then your feeling is that two and three are redundant?

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[redacted] Yes, I see no purpose for them at all. To be truthful, I see no purpose for any such directive, or because the Security Council has told us to submit a paper that we have to. We submit our views. Within our agency we can handle it. Any Bureau employee getting off the reservation, we will handle it very rapidly.

GEN. CABELL: I wonder if you don't belong to an agency that is more conscious of its reservation?

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ADM. INGLIS: How about the Coplon case?

[redacted] The Coplon case was not in our own Bureau.

ADM. INGLIS: But in your Department.

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[redacted] With the Judge ordering in papers that all the courts in the past, including the Supreme Court, have said are not admissible, I don't think a National Security Directive is going to make a judge on the bench change his ruling.

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going to put that directive in.

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[REDACTED] I reserve the right to dissent.

ADM. INGLIS: Your Department had some expression on that.

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[REDACTED] After the Judge order in the papers they could make the decision to drop the whole case or go ahead and prosecute.

ADM. INGLIS: But this proposed directive, the bearing only would have been "this is unauthorized disclosure."

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[REDACTED] There is no one higher in the Department than the Attorney General and if he overrules us there is nothing we can do all down the line.

ADM. INGLIS: It is the moral effect I am thinking of.

GEN. IRWIN: You have a homogeneous department not as the intelligence divisions. I can't enforce them throughout the War Department unless I get a directive in there, some actually basic directive would be of some help to me, as a basis. We haven't anything.

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GEN. TODD: I agree with [REDACTED] that paragraphs two and three serve no purpose.

GEN. IRWIN: If one will satisfy me, we can take it.

DIRECTOR: How about this for a starter, could you take the added phrase: "The IAC further recommends to the National Security Council that if they deem it appropriate, the sense of the above NSCID be communicated to other departments and agencies as an expression of policy favored by the members of the National Security Council."

GEN. IRWIN: That is all right.

GEN. CABELL: Yes.

GEN. IRWIN: How about this one, do you want to cut it to one?

DIRECTOR: Cut it to paragraph one and add this on as paragraph 2.

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MR. ARMSTRONG: The more I look at two and three the more I agree

with [REDACTED]

DIRECTOR: By making it paragraph 2 of this, it will definitely show on the sheet and won't be in a covering letter that will not be read.

GEN. TODD: This will be unclassified?

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[redacted] If it is unclassified, it will be in the columns the day it is issued.

MR. ARMSTRONG: Restricted is enough to keep it from coming out in public.

DIRECTOR: Well, I think you could unclassify it. We are saying we are against publicity.

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[redacted] Against unauthorized publicity.

GEN. CABELL: It seems to me there is an advantage of making it unclassified, we hope it will be in the columns.

DIRECTOR: I don't think unclassified. Restricted if you want to keep it out of the papers.

ADM. INGLIS: Is it your idea that it will probably get out anyway? Maybe it would be better to throw it out in the open right away.

GEN. CABELL: One of the things you are expecting to do is use persuasion and if you have a point of departure for that persuasion, here is at least a published NSC policy that forms a basis for that.

ADM. INGLIS: I think that is a good thing. We should attach to our papers a draft, at least we would point out that this is a result of the recommendation made by the Dulles-Jackson-Correa report and a lot of persuasive language of that character, make it as palatable to the press as possible and answer some of their objections. In other words, this could remain classified until they take action, and then having taken action, declassify it and attach to it a publicity release. Of course, the newspapers will say they don't want any publicity, but here it is, they get the first publicity they can.

GEN. CABELL: We have to have some means of advising them of our policy and our wishes.

ADM. INGLIS: Maybe instead of a draft of release, give it to the American Association newspapers, or trade organizations. I think that is a detail to be worked out.

DIRECTOR: Anyone have any more changes on the wording?

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ADM. INGLIS: I have another suggestion which as far as I know says the same as you do, that is a minor point. This says: "The IAC recommends that provisions of their directive be communicated to all departments and agencies of the government as an expression of national policy."

MR. ARMSTRONG: I like that too.

DIRECTOR: That would take a Presidential Order to make that national policy. "The IAC further recommends that if they deem it appropriate the sense of the above NSCID be communicated to all other departments and agencies as an expression of policy favored by the members of the National Security Council."

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[REDACTED] I will buy that.

DIRECTOR: It can't become a national policy until you get the President to approve it.

MR. ARMSTRONG: "Expression of the policy," "one that is favored" is a little weaker.

DIRECTOR: "The expression of the policy of the National Security Council."

GEN. CABELL: I don't think we can get that expression of national policy, but it is effectual if it is an NSC policy.

DIRECTOR: Then if that is acceptable, we will go ahead and pass it around. Is it o.k. to give it to Souers now?

(ALL AGREED)

DIRECTOR: We will send copies around to the IAC at the same time. I think if you have this and the President decides to send it out, he can say he approves of this policy as enunciated by the National Security Council. Then you can get some teeth into it.

ADM. INGLIS: Do you want to attach a draft letter to the newspaper, radio, and movie picture associations?

DIRECTOR: I don't think we should do that until we see what the National Security Council says.

ADM. INGLIS: The National Security Council can explain more

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definitely what we have in mind to the newspapers.

GEN. TODD: Do you think that might be interpreted by the newspapers and radio companies as a defensive move anticipating reaction on the part of the press? Wouldn't it be better to answer any queries that do come in?

ADM. INGLIS: If we don't give them something, they won't even stop to think.

25X1A [REDACTED] If the President approves this, it is going to come up in one of his press conferences.

ADM. INGLIS: And someone should draft a brief of explanation. I think your idea is fine. Instead of a letter to the press, attach a draft of proposed remarks that the President might make at a press conference.

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[REDACTED] That is not my idea.

DIRECTOR: I would be in favor of letting that go, they have to make it public, we can't.

GEN. TODD: And one of those spokesmen of the Council might remember and remark about it to the President.

DIRECTOR: I think when you all brief your Secretaries that would be the time.

ADM. INGLIS: Who is going to brief the Secretary of Defense? We don't have representation on the Security Council. Heretofore we have always had a channel through the Secretaries of Army, Navy, and Air Force.

DIRECTOR: I should think that would be the same channel. Any more comments? That is all.

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